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### The Opinion Volume 23 Number 3 – October 5, 1982

The Opinion

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#### Recommended Citation

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# Manville Corporation Files Ch. 11 Bankruptcy

by Joanne L. Dittersdorf

"Much of industry in the U.S. has long operated on the assumption that it could endanger the lives of its employees with relative impunity, ... that workers are part of the equipment and machinery of production. They can be replaced or transferred, or given workmen's compensation and retired. At that point they cease to be anyone's responsibility."

Paul Brodeur from  
Expendable Americans

Hazardous conditions have been connected with health problems in the asbestos industry since as early as 1918 when American and Canadian insurance companies were generally declining to insure asbestos workers. There was, however, no concrete medical evidence of such a connection until the early 1950's when a Mt. Sinai Hospital physician

named Irving J. Selikof began developing information through extensive research on histories of asbestos workers. This information has led to a clear linkage between asbestos exposure and the alarming number of cases of lung disease that are afflicting asbestos workers to this day.

Of the estimated 9 million American workers exposed to asbestos over the past 40 years, thousands have been diagnosed to have asbestosis. Asbestosis is a scarring of the lungs caused by inhalation of asbestos fibers. It is irreversible, untreatable, often disabling, and frequently fatal. It is linked to several forms of cancer. Typically, asbestosis and related diseases do not show up for 20 to 30 years after exposure, so it is a problem whose magnitude will not be known for decades to come.

The Manville Corp. (formerly Johns-Manville Corp.), the largest single producer of asbestos in the world, has

16,500 negligence suits pending against it and is expecting at least 32,000 more in the years to come. The law suits are being filed by asbestos workers seeking damages for the lung disease which has afflicted them. These claimants contend that Manville failed to warn them of the dangers of asbestos and failed to provide adequate protection against the risks to which it knew they were being exposed.

On August 26, Manville filed for reorganization under the protection of Chapter 11 of the Federal bankruptcy laws. Under Chapter 11, all litigation against Manville is frozen and the company is allotted time to propose a plan through which it will be able to absorb the estimated 2 billion dollars it would otherwise incur in court costs and settlement payments. Initially, the company is allowed 120 days in which to do this, but this time period can be extended by the courts. The plan must be sub-

mitted to the creditors for approval. If the plan is rejected by the creditors it must go back to Manville for redesigning. If no plan can be agreed upon then the situation might return to the prior situation where individual plaintiffs were suing Manville, one at a time. In the latter situation, liquidation of Manville would be a distinct possibility.

According to U.B. Law Professor Marjorie Girth, filing under Chapter 11 has been an unusual step for a solvent company to make. She suggested that in the long run this move might actually help those who have yet to file suit.

Handling the situation outside the courts may be the best way to proceed. So much money is spent on the lawsuits alone that only 20 to 30% actually ends up in the hands of the injured worker. Manville itself spends a great deal of money fighting individual workers' claim for compensation. After thousands of these

suits, the drain on Manville's assets may give them real cause for a bankruptcy claim.

Manville is likely to stay in Chapter 11 until Congress enacts some sort of legislation, akin to the federal black lung compensation, calling for the Federal Government to make contribution to the workers. This would be desirable because thousands of the cases actually stem from exposure of workers in government shipyards during World War II, when asbestos was a government mandated flame retardant used in ship building. The asbestos companies argue that the government should set up a compensation fund and be a major contributor, along with producers and insurance companies.

Manville also says that the insurers have failed to meet their obligations to meet claims. Some insurance companies have refused to make

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## Opinion

"The function of a free press is to comfort the afflicted and afflict the comfortable."  
—H.L. Mencken

Opinion  
John Lord O'Brian Hall  
SUNY/B. North Campus  
Buffalo, New York 14260

Volume 23 Number 3

State University of New York at Buffalo School of Law

Tuesday, October 5, 1982

## Dean Wallin Explains Fall Course Registration Fiasco

by Wendy Cohen

"There are only so many classrooms, and so many hours in the day," said Registrar Charles Wallin, explaining why some upperclass courses are scheduled for the same time period.

"The question, when three classes like Labor Law, Antitrust, and Property II are slated for the same time period," Mr. Wallin said, is "where can I put them to make it better?" There are only five major classrooms, and "in order to utilize them, certain classes must be scheduled against each other." Another consideration in drawing up the class schedule is time preferences of instructors and students. The registrar

### SBA Elected

The results of last month's SBA elections were as follows:

Jill Paperno, president; Ron Ossan, vice-president; Anne Carberry, secretary; Greg Phillips, treasurer. Third-year directors: Julia Garver, Jeff Shein, Scott Nadel, Rich Weibe, Jeff Eisenberg, and John Stegmeyer. Second-year directors: Kathy O'Hara, Bruce Schonberg, Dan Pease, Clare Piro, Brian Collins, and Len Gulino. First-year directors: Susan Kozinn, Holly Levine, Liz Garcia, Richard Gottlieb, Dave Cass, and Terri Foster.

pointed out that most instructors prefer not to teach in the evenings or late Friday afternoon, and students don't like to take classes that meet at these times. Instructors' personal needs also play a small part in scheduling, said Wallin. For example, Family Law and Remedies overlap, partly because the Remedies instructor had to adjust her schedule to take care of her small son.

Turning to the issue of closed courses, Mr. Wallin said, "What sometimes seems to be a major problem may not be so bad." He commented that although on the first day of classes every course seems closed, classes open up as third-year students drop fifth courses they don't want and instructors let additional students into classes.

"There's always going to be a problem for second year students," said Mr. Wallin, who has been the law school's registrar for eleven years. Mr. Wallin estimated that 75 percent of third-year students signed up for five classes, and "some even tried to sign up for six," even though they may have intended only to take four. However, only three classes were closed after third-year students' course request cards were run through the computer, and only one class, Commercial Paper, was heavily closed. The 20 transfer

students accepted by the law school this year had "more serious problems," in registering, he said. Because transfer students were not notified of their acceptance until mid-August, they had a more difficult time getting courses, although the Registrar's office did try to help.

While he feels that this year's fall registration was slightly better than last year's, Mr. Wallin added that there is still a problem in the Commercial Law area. This year, for instance, only two sections of Tax I are being offered, compared to three last year. The law school gained two additional faculty members and two replacements this semester, but he pointed out "you can't just go out and hire a Corporations instructor downtown." When the law school goes recruiting for new faculty, Mr. Wallin commented, they are looking for the best overall candidate, and although Commercial Law instructors may be a priority, "we won't turn down a good Torts professor."

Mr. Wallin also commented on the transfer of 16 first-year students from one section to another. "We didn't like to do that, but it's extremely difficult to keep the sections even," as initial section assignments are made in July, and a number of

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On September 28, Donald K. Nkadamang, a South African attorney and lecturer in Constitutional Law at the University of North Transvaal, visited the law school.

## Lawyers Demonstrate Rape Trial Technique

by Lisa Kandel

The mock rape trial last Friday night, featuring Harold Price Fahringer and Erie County Assistant Attorney Albert Ranni, drew people from the Buffalo community and the law school student body.

The event, which was sponsored by the Association of Women Law Students and the Erie County Citizen's Committee on Rape and Sexual Assault, was the culmination of Rape Awareness Week. The week was intended to thank community volunteers for their support and to encourage others to become volunteers.

The mock trial, entitled *People v. Thomas Bates*, consisted of the prosecuting at-

torney and the defense attorney questioning the victim and a closing statement by each lawyer. Jury selection and opening statements were omitted. The facts of the case had been agreed upon prior to the trial.

Fahringer, a nationally known defense attorney, most recently known for representing Claus Von Bulow, was a superb performer. But Erie County was well-represented by Ranni; by calling Fahringer's closing statement "an academy award winning performance" he returned the attention of the audience to the facts of the case.

The case was primarily concerned with one issue: iden-

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Eleven days ago more than one hundred U.B. law students converged on New York City's Roosevelt Hotel hoping to land a lucrative job. This adventure, which has come to be known as "the New York weekend," is rumored to exist primarily for the benefit of that group of students commonly labeled as "the top ten percent." It is also rumored that these weekends, which are the result of several months of careful planning and hard work on the part of our Placement Office, produce very few jobs.

While there is a great deal of concern among "the other ninety percent" about the failure of the placement office to create an organized and consolidated program to aid them in their job search, there is no small amount of frustration being experienced by those students who traveled to New York only to see their ambitions and hopes squelched by a rejection letter the following week.

One student who went to New York commented to the Opinion, "it seemed like a lot of the alumni only came to the hotel as a favor to the school. They weren't exhibiting the kind of aggressive recruiting behavior you would expect of people who were really in the market to hire U.B. graduates."

First, we believe that any resentment being directed at placement for either the elitism of, or the lack of fruitful results emerging from, the recruiting weekend is misguided. We suggest that those students who experience rejection, as well as those who were discouraged from applying by the apparent selectivity of the program, should direct their anger and frustration at the legal profession instead.

A short perusal of Martindale Hubbell will reveal a not-so-subtle bias favoring graduates of the nation's elite corps of law schools. Whether or not the quality of the graduates of these law schools is superior to that of the graduates of this institution, and we believe it is not, the reality of the legal world is that firms, and most especially New York firms, display a marked preference for graduates of the Ivy Leagues. This elitism trickles down to the middle-sized firms as well.

Considering the structure of the legal profession, the strategy of Placement is not so off base. Presumably, once U.B.'s reputation is enhanced through the placement of its "top ten percent" in the nation's premier law firms, the "other 90" will benefit in their search for employment.

Where the theory breaks down is in practice. It seems unlikely that the nation's top law firms are looking for new markets of students. They are probably quite content hiring the alumni of their alma maters—upholding the traditional belief in the superior skills and abilities of their fellow graduates.

Of course, there remains a vast number of U.B. law students who are not affected by the realities of the New York job market. There are those of us who aspire to general practice with one or two other attorneys, or hope to work in the smaller cities and towns of this state. Then there are those of us planning to work for clients whose lack of political or economic clout makes them especially needful of vociferous legal representation.

To these students, and most especially the latter, a reliance on Placement would most surely be misplaced, for the hiring opportunities within these areas of the law are as unpredictable and uncertain as our economy. In these areas of practice the question is not whether there are jobs for U.B. graduates, but more properly whether there are jobs at all. As is true of anyone looking for work outside the mainstream, in any endeavor, a good deal of creative "hustle" is required.

Second, the notion that there is a measurable top ten percent of law students at this school requires some comment. While it is true that some students have grades which are superior to those of others, to characterize these individuals as the "elite" of the school is to cast a reality on the unproven notion that grades reflect either the quality of a student's analysis of legal issues or the quality of work product he or she will generate as a practicing attorney. What grades do indicate, and this perhaps reflects the big firms' overriding concerns with them, is a capacity to perform long hours of tedious and often uninspiring research.

The unspoken expectation among big New York firms is that associates will produce at least fifty-five billable hours of work each week. Together with administrative time, meals and breaks, this amounts to at least seventy hours of work between Mondays. If grades are indicators of anything, it is of the ability to perform the kind of service for a firm which requires one to neglect ones personal and intellectual development.

To those of you choosing such careers, we wish you luck; to the rest, we extend our hopes that the job search this coming year is not only fruitful, but provides you with the kind of work you desire and to which you are best suited.

## Commentary

# LEAVE BEGIN ALONE

by John Iacovelli

September 28 — President Reagan is presently coaxing the Israelis to abandon the West Bank and allow the creation of a Palestinian state there. He foresees free flowing Arab oil and a greater U.S. influence with the moderate Arab nations as the reward if he is successful. If he pulls it off, Reagan will achieve a great victory for American interests. The problem is that the Israelis will never go along with it. If this is true, then Reagan is wasting his (our) time and energy, and an alternative plan to cooperate with the Arabs should be devised.

Israel has been attacked by almost every one of its neighbors and yet it has maintained its existence; it has proved its military superiority in the area. Israel is probably the only nation in the Middle East to possess nuclear weapons. Because of this, Israeli concerns in recent years have shifted away from external threats and towards maintaining internal security. Israel has concentrated on securing its borders by removing Palestinian terrorists from its bordering nations. Now that this has been accomplished, the U.S. cannot expect Israel to allow the P.L.O. to set up shop in the West Bank. Without the West Bank, Israel would be only ten miles wide near its major population centers along the coast. A small advance could cut Israel in half. Palestinian shelling from the West Bank would hit populated civilian targets. It would be very difficult to prevent terrorists from crossing such a large common border. By agreeing to a Palestinian state, Israel would be betraying the security plan that it has followed since 1973. Reagan cannot expect this to happen.

Reagan has pledged that the U.S. will guarantee Israeli security if Israel agrees to the Palestinian state. History has shown, however, that international guarantees have done little to prevent wars and acts of terrorism. The U.S. has guaranteed Israeli security since 1948, yet Israel has had to fight five wars and has been the victim of thousands of acts of terrorism. Since 1973, Israel has realized that the U.S. is an ally only when being so will not hurt the American-Arab alliance. Israel will not put its security into anyone's hands

but its own.

Reagan has argued that a Palestinian state will not cause a threat to Israel because the Palestinians will realize that it is not in their self interest to continue to provoke its mighty neighbor. However, this theory hasn't prevented Egypt, Syria, or Jordan from attacking Israel even though all three nations were left crippled after doing so. A Palestinian nation will be in such a state of confusion due to its lack of leadership that no rational decisions could be expected of it. P.L.O. chairman Arafat's performance on "60 Minutes" (9/26/82) could attest to that. Also, Palestinian leadership will realize that by antagonizing Israel it will gain greater support of the Arab world and the support of its people. Anytime an Arab government is in the disfavor of its people, it starts a conflict with Israel and the people forgive. Israel will not buy this argument either.

There is an alternative for the Palestinian people. The East Bank of the Jordan River is occupied by even more Palestinians than the West Bank. Jordan should be the home of the Palestinians.

In 1921, Great Britain created Trans-Jordan as an Arab homeland in expectation of a Jewish homeland in Israel. The river was the intended border. In 1948, Israel won its war of independence but Jordan was able to occupy the West Bank in the process thus enlarging the Arab segment. This occupation was contrary to international law and the subsequent annexation was not recognized by the U.S., the U.S.S.R. or the Arab states. Jordan had the legal status of any occupying power. In 1967, Jordan attacked Israel despite Israel's promise to refrain from attacking Jordan if Jordan did not attack first. It took three days for the I.D.F. to take the West Bank back. Israelis' conquest of the occupied territory combined with the intent of the creators of Israel give Israel the best claim to the land. Certainly no one else has a better one.

At first, Trans-Jordan's leaders welcomed the Palestinians as it gave the "nation" a reason to exist. Trans-Jordan was to be the Arab homeland much in the way that Israel was to be the Jewish homeland. Palestinians occupied top positions in the

government and the military until 1970 when King Hussein removed and executed these Palestinians and drove the P.L.O. out of Jordan and into Lebanon. It appears that the equitable solution is to either give the Palestinians a part of Jordan or to give them some control in Jordan's government again. Of course, the Arab states will not support this. They seem to be more interested in thwarting Israeli objectives than in giving the Palestinians their own state. No mention of turning the West Bank over to the Palestinians was made while Jordan occupied the area.

This situation leaves Reagan between a rock and a hard place. He must attempt to influence Israel to please the Arabs and their American friends in the business world, yet Israel is not about to give up their newly acquired security. Reagan is not attempting to get Prime Minister Begin out of office; correctly reasoning that he will find a more sympathetic ear in Begin's replacement, Labor Party Chief Peres. However, if Begin can survive through the massacre scandal, the Israelis will soon realize what a great thing Begin has accomplished in Lebanon and his power base will be even stronger than before.

When Syria withdrew its support from the Lebanese Christians and backed the P.L.O., Lebanon was quickly becoming a P.L.O. state. But now, Lebanon is purged of the P.L.O. The Lebanese cheered the Israeli forces as liberators, although a great deal of civilian life and property was destroyed because the P.L.O. used the civilians as a shield. And now, Israel has successfully removed the P.L.O. from its borders. Its goals have almost been attained.

Reagan should realize now that Begin will never bow to the U.S. pressure. The Arabs realize that they can do nothing to prevent the next step, which is Israel's annexation of the West Bank, except apply pressure on the U.S. Reagan must inform the Arabs that he too can do nothing. Begin's plan is nearly completed. Reagan must face the facts and stop trying to interfere with the workings of the Israeli government. He must find a new way to please the Arabs.

## Letter from the Schlegel

The law school's rules provide that a student who wishes to take courses in another department for credit toward the J.D. degree must secure permission of the Associate Dean before enrolling in the course. I have recently received a rash of petitions seeking my approval for taking courses in other departments filed after, rather than before, the fact based on an asserted lack of knowledge of the relevant rule. I have approved these petitions for reasons that re-

main obscure even to me. However, I shall no longer do so after October 15, 1982. So, if you have ignored this seemingly trivial rule in the past, you had better take advantage of this limited amnesty, and do so quickly.

Schlegel

EDITOR'S NOTE: Opinion welcomes letters on any subject, expressing any viewpoint. All letters will be printed in their entirety. Please submit them in the envelope outside Room 724.

### Announcement

Anyone interested in being U.B.'s student representative to the American Bar Association, please contact Jill Paperno, Box No. 177.

Elections Are Being Held at 3 pm on October 12 to fill Managing Editor position. All students are eligible to run.



# President Preparing Full Agenda; Seeking Students

by Jill Paperno

I was elected President of the Student Bar Association two weeks ago. As President I will have a regular column in the *Opinion*. I hope to use this space to keep you informed of what the S.B.A. is doing. Unfortunately, as the *Opinion* deadline is earlier than this week's meetings, I can only inform you of what S.B.A. is expected to do during the week of September 27.

Before I do that I would like to congratulate the winners of the S.B.A. elections. I'm looking forward to working with this year's Board of Directors. The Directors and officers are your representatives in S.B.A. Try and familiarize yourself with our names and faces. A list of names is printed in this edition of the *Opinion*. I hope that all of this year's candidates will maintain the interest and involvement in S.B.A. that they have already

shown.

On September 23 I had breakfast with the Presidents of the Student Association, Graduate Student Association, Medical School and Dental School; Dr. Sample; a representative of Millard Fillmore College and other university administrators. The topic of discussion was construction of student activities space.

A student activities building is planned for Amherst campus, but it will not contain offices and other student union facilities. At this time the possibility of constructing another building is being considered. Funding may come from additional student fees. Many questions have been raised about these plans, such as the kind of control students will have over such a building.

Lunch is scheduled for October 29 with the same group. Peter Murphy, President of G.S.A., is collecting information to present to students. A

poll may be taken following distribution of this information to determine what alternatives are acceptable to students. If you have any thoughts on this, please see me. I will provide you with more information as it becomes available.

On Wednesday, September 29 at 4:00 the 1982-83 S.B.A. Board of Directors will have met for the first time. Agenda items include funding for attendance at a convention by a member of HANALSA and selection of an Appointment Committee.

The Appointments Committee is a group selected from the Board of Directors by the S.B.A. President. Its role is to interview and select students for Faculty Student Committees and Student Bar Committees. Although interviews will have begun by the time you read this, if you did not receive notice of interviews and are in-

terested in getting involved with a Student Faculty Committee, please leave a note in my box (No. 177) today. Student membership on these committees is limited.

With the exception of the Finance Committee, Student Bar Committees will probably not require interviews. If you want to join one of these committees please leave a note in my box this week.

Information about both types of committees is posted on the door to the S.B.A. office (room 101), in the first floor lounge, and on the S.B.A. bulletin board in the mailroom. I'd like to thank Dean Headrick and Cleo for the information about Faculty-Student Committees.

S.B.A. Board meetings will be held weekly. I hope to establish a regular meeting day. Feel free to attend meetings. If you would like to

speak with an S.B.A. representative and cannot attend a meeting leave a note in any director of officer's box. The S.B.A. office is on the first floor. Once office hours are set up please stop in and watch the S.B.A. bulletin board for announcements and information about meetings.

As soon as the next meeting date is set, organizations will be receiving notice to send a representative to a meeting before November 1, as is required by By-law No. 13. This representative must report on the group's activities and plans. Organizations must also publish a letter in the *Opinion* between October 15 and March 15 describing their activities.

Finally, Mandatory Fee Waivers were available last week. For information regarding the status of fee waivers, please see Greg Philips.

## Join a Committee!

The following are general descriptions of law school committees open to student membership. Anyone who did not have a chance to sign up for one of these committees by last Friday may contact SBA President Jill Paperno and request consideration for membership.

### Academic Policy and Program Committee (APPC)

This Committee considers proposals for changes in the academic program and graduation requirements. Proposals come from faculty members, deans, and students. After the Committee reviews a proposal, it makes a recommendation to the full faculty. It is composed of the Dean as Chair, three faculty members, three students and a Law Library faculty member. Meetings are held when the Committee has proposals to review, i.e. somewhat irregularly.

### Academic Standards and Standing Committee (ASSC)

This Committee acts on petitions from students for readmission or waiver of Law School academic rules. It also makes recommendations to the full faculty with respect to changes in such rules.

By the nature of its work, the Committee requires observance of strict confidentiality. Its meetings are closed to non-members. It is composed of the Dean as Chair, three faculty members, three students, Dean Wallin and a Law Library faculty member.

It meets when it has sufficient matters to review or when action with respect to a student petition is particularly urgent.

### Admissions Committee

This Committee sets general standards for admission and reviews files of candidates for discretionary admission. Composed of six faculty members, one of whom serves as Chair,

four students, a Law Library faculty member and Deans Carrel, Garcia and Wallin, it generally operates through subcommittees which make recommendations to the Chair.

Its work is particularly heavy in the period from January to May when files must be read expeditiously. All of the work of the Committee is held in strict confidence.

### Appointments Committee

This Committee screens candidates for faculty positions, arranges visits and interviews, and makes recommendations on appointments to the full faculty. Only positive recommendations of the Committee are reported publicly. The Committee is composed of four faculty members, elected for two-year terms, two students, the Dean, and one Law Library faculty member. The Chair is elected by the faculty members. The two student members are expected to contribute to the process of screening resumes, to organize meetings at which candidates can visit with a diverse group of students, and to report to the Committee student reactions to visiting candidates.

The Committee meets frequently in the fall and in the early part of the spring semester.

### Budget and Program Review Committee (BPR)

This Committee reviews the non-personnel part of the Law School budget and makes recommendations to the Dean on his expenditure plans, particularly those with respect to student organizations and programs. It meets infrequently, normally only when specific proposals require action or in spring when the Vice-President allocates the funds for the Law School budget for the next fiscal year.

The Committee is composed of the Dean as Chair, three faculty members, three students, Dean Wallin and a

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## NEW YORK CROSSOVERS

If a corporation enters into a contract to purchase real property and then brings an action for specific performance, must you discuss the law of corporations, contracts, real property, civil procedure and equity? How do you determine the real thrust of the question? What are the examiners really looking for?

This is a critical issue spotting problem which is endemic to the New York Bar Examination which treats the law as one integrated body of principles or rules.

New York essay questions often integrate several independent areas of law into one complex problem. This method allows the Bar Examiners to test an applicant on a great many of the 30 testable subject areas in only six essay questions.

Very few law students develop these practical issue recognition and analysis techniques during their academic training.

That is why almost 20 hours are devoted to problem integration and analysis during the Marino-Josephson/BRC course. No other course offers enrollees such extensive preparation in handling the New York exam's multisubject essay questions.

## CONCERNED ABOUT NEW YORK CPLR?

For those students who want to learn New York CPLR before the summer bar review, the Marino-Josephson/BRC course will present this spring, free to BRC enrollees, a **Forge Ahead** lecture series on New York practice by Professor Arthur R. Miller of Harvard Law School.

Recognized as one of the finest teachers in the nation, Professor Miller combines wit and clarity of expression with total intellectual command of his topics. Co-author of the prestigious treatise Wright and Miller, **Federal Rules**, a widely adopted civil procedure casebook and the **Sum and Substance of Civil Procedure**, he is also a former editor of the Harvard Law Review and a present member of the American Law Institute. In addition, Professor Miller is regularly asked by the Federal Judicial Center to address Judicial Conferences across the nation.



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# The Best Rock-n-Roll Band—That's Who!

by David Allen Cass

For the past three weeks I had been waiting patiently to again witness *The Who*. The first time I saw them was at Madison Square Garden, New York City, as a high school senior; this time it would be on September 26, 1982 at Rich Stadium, Buffalo, as a first year law student.

Being a law student this time around has greatly altered my perspective of the event. Not only did I not know that my Who ticket was a contract, but also that in a crowd of ninety-thousand people, the police could have the audacity to actually arrest anyone for disorderly conduct.

Besides being the largest in size, this ticket had the most contractual stipulations that I had ever seen on a concert ticket. For example, on the front of the ticket it said, among other things, "No bottles, cans, tape recorders, movie cameras, weapons, or fireworks." According to the "Plain Meaning Rule" the definitions of these words should be clear. However, to the first year law student, each word has many meanings. Does "bottle" include plastic containers? Does "movie cameras" include regular cameras? Do "weapons" include registered hand

grenades?

I need answers to these issues, and I need them now.

One needs a lawyer, not a first year law student, to decipher the liability "dicta" on the back of the ticket. Fortunately, for Harvey, Corky and Tice Productions, Austen-Fagen, Buffalo Bills, Inc., the County of Erie, and *The Who* and their agents and employees, they have the best lawyers in the country protecting them from liability. Meanwhile, the poor drunken Who head like me has no one. According to the ticket stub, not only will no one take responsibility for guaranteeing my security, but the people in charge will not even let me bring in a bottle of Yukon Jack to help heal my wounds. Is this "justice"? or does justice merely mean just-us?

For starters, getting into the Rich Stadium parking lot was a project in itself; however, this was a cakewalk compared to the hassles of actually getting into the Stadium, and finding a seat. The Rich Stadium Who Security Force, whose leaders have an intelligence quotient of approximately three, one for each of them, brilliantly decided to withhold garbage cans from the parking lot, probably in the hopes that us Who heads would take our empty bottles of Brador's back to

Canada to collect our dime refunds. Broken glass and flat tires were omnipresent in the parking lot.

The Security Force, rather than securing the inside of Rich Stadium, especially the field where at least thirty-thousand people, and some Dead Heads were viciously clawing their way towards the stage in the hopes of establishing a spot so that they could get a better glimpse of *The Who* when they came on, but who unfortunately had to suffer through David Johansen, who played a puny uninspirational twenty-five minutes, and *The Clash*, the most overrated hardship case ever, who played a miniscule forty minutes, twenty-five minutes below their allotted time, were very successful in securing the outside of the stadium.

There were more mounted police outside the stadium than in probably all of Canada. It was as if once near Rich Stadium, I became a prisoner. I felt very degraded. Not only was I not allowed to walk in or around "secured areas", such as the street, but the security force made me and my entourage, all fifteen of us, wait in line over ninety minutes before allowing us to enter the stadium. My girlfriend had to go to the bathroom. She was not pleased with the arrange-

ment. Law students should not be treated like this.

Once inside the stadium, I realized that this was the first outdoor concert that I had been to that there were no reserved seats at all, or any limit on the amount of people allowed to be on the field. So I decided to try to watch the show from the field. Thinking that I could possibly enjoy myself down there was quickly forgotten when the guy standing next to my girlfriend got hit in the head with a bottle that was not supposed to be allowed in the stadium, by his friend who was having a "bad trip." I guess the mounted police missed this guy.

There were no seats on the field. People were drunk, drugged, and rowdy; bloodied bodies, especially faces, permeated the environs. Besides, my girlfriend and I managed to lose all of our friends within twenty minutes of arrival, and were thus forced to encounter these throngs by ourselves. As the afternoon wore on, it became evident that I had to leave the field and try to find a somewhat decent seat in the stands. It only took us about one hundred minutes to make our way through the aisles. People were standing in the main aisles socializing. It became extremely dangerous when people,

who had been socializing in the aisles, were being pummelled to the ground by the people who were trying to get through. Luckily for us, we made it out of the aisles with only scratches and aches.

During the trek away from the field, towards the upper tier where the people were at least more refined, I even saw a fellow Section Two student with his girlfriend. I noticed that some people, usually smaller than the arresting party, were being harassed and/or arrested. It occurred to me, especially with the hindsight of Al Katz's intriguing lectures on Criminal Law, that it was totally obscene for anyone to arrest anybody (unless of course it was for a capital offense) in a crowd of ninety-thousand people for disorderly conduct. It behooved me to figure out how anyone could say anybody was disorderly in a crowd of ninety-thousand inebriates to warrant them being arrested. Scenes from Pink Floyd's *The Wall* scurried through my head.

All the negatives of this concert were forgotten, except for this article, once *The Who* got on stage. They were fantastic, in top form. They are not considered the best rock-n-roll touring band for nothing.

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# Michigan Student Criticizes Legal Pedagogy

The Opinion has been privy to several Students' complaints about U.B.'s law curriculum. The allegations made in this article should give rise to a greater appreciation of the education we are getting at this institution. The author is a student at Wayne State University Law School.

by Rudy Serra

Many people, particularly laypeople, assume that members of the legal profession "take care of their own" because of their common commitment toward advancing rational discourse, the peaceful resolution of disputes and an orderly society where the law governs and applies equally to all. This assumption is inaccurate.

The real reason why members of the legal profession "take care of their own" is more closely related to the "disaster mentality" than it is to any common commitment to justice. Attorneys take care of their own because they are conditioned to do so by their legal education. It is the only way that they can survive the three years of oppression and frustration called "law school."

It is widely recognized that a peculiar type of solidarity arises out of a shared experience of survival. This phenomenon is called "the disaster mentality." It occurs in groups of people who survive experiences like concentration camps, floods, natural disasters, prison camps, war and law school.

The victims learn to rely on one another for emotional and

physical support. They are forced to turn to their fellow victims and their fellow's recognition of their reliance engenders a willingness to help. Each victim knows that he too will soon need the help of others. By helping someone else now, he realizes that he will help to assure his own survival.

The effect is similar to that of a Michigan winter. When someone else's car is entrenched in an impassable parking lot, you help to push the car to the safety of the street. It is common for the grateful driver to return from his rescued vehicle to help you remove your car from the parking lot. This scenario was repeated continuously during the winter of 1982 in the parking lot at the Wayne State Law Library.

This same effect arises out of a law school education. During the past year alone, hundreds of law students have taken classes from attorneys who have absolutely no training as teachers. Although they may be nationally renowned experts in their area of legal practice, they have not yet mastered the fundamentals of communicating their expertise to students.

They speak in such a way that students are unable to hear what is being said. When it is possible to hear, it is often not possible to understand. They write on the blackboard in such a fashion that their writing cannot be seen and, if it can be seen, it cannot be deciphered.

They fail to identify the subject of their lecture, and don't give a page number or recognizable case name until much of the important material

is past.

They digress or fail to provide a syllabus to give students even a basic idea of what will be required of them. Assigning more than one textbook, they wait until several classes have passed and then assign supplemental materials that must be purchased.

They assign numerous required outside readings that are "on reserve in the library." They put a single copy of each reserve reading in the library and expect forty or fifty students to be able to get the material and be prepared to review the cases in class, when the reserve readings are all assigned for the first two weeks of class.

They never use or seldom use the two "extra" textbooks they required students to purchase. They skip around indiscriminately in textbooks that are used. They linger so long over trivial matters that they never cover much of the class material that was assigned.

Often professors intimidate students or belittle them if they give an incorrect answer. Asking question rather than giving answers is piously called the "Socratic methods." They ask questions whose answers are so obvious that an intelligent student would be embarrassed to answer for fear of being labelled a "brown-noser."

They fail to provide essential feedback by either not returning exams at all, or returning them with no indication of which answers were appropriate and which were not. Classes are cancelled without notice, with no attempt made

to contact students in advance to avoid extreme inconvenience. Then they are rescheduled at inconvenient times.

This is not a complete list of law school educational techniques. Some instructors do not use any of the techniques listed. Others make up their own or devise exotic combinations of those listed. No law school professor has yet accomplished the task of using all of the techniques simultaneously. This writer has attended more than one law school, as a result of a transfer, and regrets to report that these destructive techniques are not limited to a single institution.

Instructors often complain about the lack of writing and communication skills in students. Such criticisms are valid, but the fact is that the students are there to learn the techniques that they have not yet mastered. The law school instructor is there to provide the student with the essential

skills s/he lacks. The vast majority of law school instructors are either not equipped to do so or fail to exert the effort necessary to do so effectively.

The Justices of the United States Supreme Court have complained about the lack of skills in practicing attorneys. Law schools should steadfastly refuse to graduate students who lack the necessary skills, but only after they stop employing instructors with highly deficient teaching techniques.

It is essential that law schools (and the continuing legal education promoters in the organized bar) undertake innovative and drastic programs to teach their teachers how to teach. In addition, law schools should dismiss instructors who are unable to unwilling to acquire minimal competency in teaching.

One can easily ascertain where the needs lie by asking students or by visiting classrooms. Few classes are

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## Mock Rape Trial . . .

continued from page 1

tification of the attacker. Accordingly, the prosecution's questions focused upon the events leading up to the attack, the attack itself, and the character and intelligence of the victim, Mrs. Gordon. In contrast, the defense was mostly concerned with the lighting in the room where the attack took place and the somewhat inaccurate description of the attacker given the police by the victim.

According to the victim, her assailant was white, 6 feet tall, weighed 230 pounds, and had a moustache and beard. Fahringer pointed out that no mention was made of a moustache in the police report filed just after the attack.

In addition, he noted that the defendant, Thomas Bates, was 6 feet 2 inches tall and weighed 200 pounds. After the victim identified Bates in the courtroom, Fahringer instructed Bates to put on his eyeglasses which he "regularly wears" and instructed him "to leave them on" for the balance of the trial. The victim hadn't mentioned eyeglasses in describing her attacker.

In attempting to assert the validity of the victim's identification of Bates, Ranni asked Mrs. Gordon to describe Fahringer, specifically his nose, ears, and lips. The victim was unable to do so. Ranni then said, "but you would have no trouble identifying Fahringer if you saw him again." The audience, apparently pleased by the implications of this statement, cheerfully applauded.

After the trial, in response to a question from the audience regarding jury selection, Fahringer stated that he would avoid "women who would sympathize with the victim" and would look for "intelligent, nonemotional jurors" who would understand the identification issue.

Another question concerned

acquaintance rape, whereby the victim knows her attacker. In these cases, "the issue is often consent," Ranni said. It is much more difficult to convict someone of acquaintance rape because it's hard to convince a jury that the rapist would have attacked the victim knowing full well that his victim could easily identify him.

Although Ranni stated that there's a "need for police to be trained in investigating cases of sexual assault," he is opposed to specialized police teams. These special teams become "elite squads" which result in over-specialization of the police force, he said.

Fahringer disagreed. He feels that crimes of sexual assault "deserve specialization". In addition, more victims of sexual assault would come forward, he said.

After the closing statements were made, the moderator, Bruce Goldstein, discussed some general misconceptions about the crime of rape. First, the absence of sperm doesn't necessarily indicate that a rape hasn't occurred because rape is not a crime of sex. Therefore, orgasm may or may not occur.

According to Goldstein, "the laws have changed; it's not as difficult to convict for rape" as it used to be. Corroboration for each element of the crime, including identification and penetration, is no longer required. In addition, the past sexual conduct of the victim is only relevant when it relates to the presence of sperm.

In the past, the charge of rape required forcible compulsion and utmost resistance. The standard was amended to require earnest resistance and, most recently, no resistance.

Goldstein emphasized the value of the Erie County Citizen's Committee on Rape and Sexual Assault in that it provides support to the victim who "carries a stigma after the event."

## Dining Out In (And Out Of) Style

by Art I. Choke

My companions and I decided to start our evening at the Marriott Hotel (yes, this is a restaurant review), located 5 minutes away by car unless you got stuck at the damned red light at Maple and Millersport. By camel it's a few minutes longer, I'm told, but you probably wouldn't have to wait at the light.

As you enter the Marriott, the Panache room is on the left side of the lobby after you make a right turn around the three-foot tall imitation brass flowers. You can tell you're at the Marriott when the flowers aren't plastic.

We wanted to begin here for several reasons: 1.) sentimental — we had all been here in the past and had a good time; 2.) image — we like to pretend we are cool because we go to "chic" places; 3.) curiosity — Are all those men still trying to pinch women's derrieres as the bar fills up? and 4.) small bankroll — they usually serve some really great free hors d'oeuvres.

We found a comfortable place to sit away from the bar and the crowd. A waitress was there in a very short time to take our drink order. We then

decided to mosey over to the hors d'oeuvre table next to which a "Seafood Bar" was also set up. Given that the sign outside advertised a Seafood Bar in particular and the fact that it was Friday afternoon, I guess I expected something more, but here we're talking slim pickin's — example: four very anemic looking shrimp stuck on to the rim of a glass (their "Shrimp Cocktail") \$3.50. Also oysters in the shell (I assume someone opens them for you) \$.50 each. And that was it. So much for the Seafood Bar. However, the usual complimentary fried mushrooms, raw mushrooms, cauliflower, cherry tomatoes, and broccoli were available with dressing which was either ranch style or bleu cheese. I couldn't tell which.

After finishing our drinks (seven dollars plus change for three drinks including tip) we hopped into our cars and drove on the I-290 West (leave the camel at home). The Sassafras Dining Room is in the Holiday Inn located on Niagara Falls Boulevard — on your immediate right if you drive off at the Niagara Falls Boulevard exit. Before ordering dinner, we were served a complimentary eggroll which

did not have much flavor because it had been overcooked (I am always suspicious when I can't recognize anything in the filling.) Unfortunately, not much good news on the dinner itself either. I ordered chicken divan crepes with broccoli which had the texture of something that had been frozen then reheated. The crepes were bland and the broccoli was mushy. My friend had onion soup and a spinach salad which was o.k. Nevertheless, the Holiday Inn's primary business is putting people up for the night and we can only guess that the reputation of the Sassafras Room causes a lot of folks to retire to their rooms early.

One last comment about both places. At the entrance to the Panache Room, a man is usually posted to make sure that the patrons are dressed appropriately — which might mean that they won't let you in wearing your sneakers and your favorite Chuck Mangione t-shirt. At the Holiday Inn, however, though the decor seems to suggest formality, there really isn't any. I'm sure that if you showed up wearing anything other than your favorite underwear (which for some people is none at all) there would be no problem.





## Registration . . .

continued from page 1

students decide not to attend the law school at a later date. The Registrar stated that if the transfer hadn't been made, there would have been 92 students in one section, and 68 in another. He remarked, however, that "it is too bad it (the transfer) couldn't have been done on a more voluntary basis."

Finally, the Registrar com-

mented that this year's upperclass finals schedule, included with registration materials for the first time this year, won't be changed without solid reason because people make plans around it. However, students may find it more difficult this year to receive permission to take finals on different days if they have two or three tests scheduled for the same day.



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The Entertainment Card will also entitle its holder to purchase discounted movie tickets. These tickets are valid at all General Cinema Theaters across the country, including in our immediate area, the University Cinema, and the Boulevard, Eastern Hills and Thruway Mall Cinemas. These movie tickets will be available for \$2.75, a saving of \$1.25 off the regular ticket price.

In addition, the purchaser of an Entertainment Card will also receive a discount on Law School social events sponsored by the Commencement Committee. The first of these is the TOO MANY DAYS 'TIL GRADUATION PARTY, to be held at Bullfeather's Lodge on Thursday, October 14th. The Entertainment Card will entitle the holder to a \$2.00 discount off the \$4.00 admission price.

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# Freedom of Information Act Analyzed In New Book

This article was written by the Campaign for Political Rights and first appeared in their publication *Organizing Notes*, 6/7/82

Since the Freedom of Information Act was enacted in 1967, thousands of people have utilized the open access law to monitor government policies and programs, to aid in research and news reporting, and to better understand how the federal bureaucracy works. Now, for the first time, a new Campaign for Political Rights study details how consumers, business, scholars, journalists, state officials, lawyers, unions and political activists have used the FOIA — and how many FOIA disclosures have benefited the public.

**Former Secrets: Government Records Made Public Through the Freedom of Information Act** was written for the Campaign for Political Rights by Evan Hendricks, Editor of *Privacy Times*. The 200-page study lists 500 cases of FOIA disclosures in ten areas:

**Consumer Product Safety** Consumer groups have used records obtained through the Freedom of Information Act (FOIA) to force the recall or

banning of such unsafe, defective products as exploding Pinto gas tanks, defective Firestone steel-belted radial tires, and two carcinogens, Red Dye No. 2 and Chloroform. FOIA disclosures have prompted closer scrutiny from Congress and federal agencies on airline safety procedures, health care and in the context of infant formulas.

**Drug Safety and Government Behavior Control** The FOIA has enabled public interest groups, the press and others to obtain data submitted by companies on ineffective or unsafe drugs. For example, the drug Phenformin was banned by the Food and Drug Administration (FDA) shortly after a consumer group filed a lawsuit based on disclosure of records on the drug's harmful effects. The FOIA has also informed the public about drug testing programs by federal agencies and state prisons; FOIA records on CIA mind control research led to the publication of John Marks' *In Search of the Manchurian Candidate*.

**Environment and Nuclear Power** FOIA disclosures have

contributed a great deal to what is currently known about the hazards of nuclear waste disposal, pesticide spraying and chemical dumping. States such as New Mexico, Mississippi and Utah have used the FOIA for these purposes. Documents released on atomic fallout to Utah Governor Scott Matheson revealed that government officials knew of the health dangers, including cancer, of the 1950's atomic testing in Nevada, but publicly insisted there was no danger. Use of the FOIA has also enabled environmental groups to discover hundreds of nuclear plant accidents.

**Fraud, Waste and Government Corruption** Public interest groups across the political spectrum have used the FOIA to expose waste and fraud in the government. After a four-year court battle, Common Cause obtained Air Force documents on the ten largest defense contractors; the documents showed that these companies had charged the government more than \$2 million in questionable lobbying expenditures.

**Civil and Labor Rights** Blacks, Hispanics and Native Americans have used the FOIA to battle racial discrimination in employment, education and housing. The Act has also been used by women's groups fighting sexual discrimination, and by the mentally and physically impaired to monitor enforcement of government programs. Department of Labor records have helped workers and labor unions challenge violations of health and safety and fair labor standards laws.

**Business** Critics of the FOIA have charged that businesses mainly use the Act to obtain their competitors' trade secrets. But FOIA Professionals within the government say their agencies are careful to avoid such disclosure. This debate over trade secrets has actually obscured many important ways in which businesses have used the FOIA. For example, according to the Defense Department's 1981 annual

report, 55% of the Department's FOIA requests last year came from business concerns, including many small businesses that use FOIA to acquire technical data from the Defense Department in order to bid competitively on government contracts.

**History** FOIA disclosures have resulted in numerous books,

been released to veterans through the FOIA.

**Government Intrusion into Political Activity** The widespread disclosures under the FOIA Of government attempts to infringe upon democratic rights are perhaps the best proof of the need for public oversight. Beginning with NBC correspondent Carl

## Nixons Wins FOIA Ruling

In a 5-4 decision issued on May 24, the US Supreme Court upheld the right of the FBI to withhold information the Bureau supplied to Richard Nixon concerning his political opponents. The Court ruled that records originally compiled for law enforcement purposes can be withheld under the Freedom of Information Act (FOIA) even if the material is later put to other use.

The political files, which concern individuals such as Cesar Chavez, John Kenneth Galbraith and Dr. Benjamin Spock, were the subject of an FOIA request filed by journalist Howard Abramson in 1976. The FBI provided the information to the White House after Nixon aide John Ehrlichman requested "name checks" on opponents of Nixon's Vietnam policy.

The FOIA permits the withholding of records "compiled for law enforcement purposes," but only if some specified harm would result from disclosure. In this case, the government contended that release of the records would constitute an invasion of privacy. The Supreme Court rejected a lower court's ruling that law enforcement records lose their protected status if they are later used for other purposes.

## On The Lighter Side . . .

The Freedom of Information Act has helped bring some of the government's more embarrassing secrets out of the bureaucratic closet. Following are a few examples from *Former Secrets*:

- According to FOIA documents released by the Department of Defense, the Army used infected homing pigeons and dropped contaminated turkey feathers in cluster bombs over oat crops in upstate New York to test the use of a "cereal rust epidemic" as a biological warfare weapon.

- Senator Proxmire awarded the Golden Fleece Award to the Navy's Project ELF (Extremely Low Frequency) as a result of one FOIA disclosure. According to documents, a deputy Defense Secretary testified before the House Appropriations Committee that the Navy was conducting a fertility study on a bull at Project ELF. When the official found out after testifying that there was no such bull, he ordered the Navy to purchase one — even though medical officials advised that there was little use in conducting a one-animal study. Six years later, the Navy shot the bull.

- Another Department of Navy FOIA disclosure described a special Navy test on sharks. Under "Project Spear," the Navy implanted electrodes in sharks so that they could be steered by radio signals. When the Navy found they were lacking sharks for the final test, human recruits were substituted.

## Sharecroppers Lose Benefits

This article was prepared by the Farm Labor Organizing Committee which is a group dedicated to organizing migrant farmworkers in the midwest in order to gain needed protection from employer practices such as those outlined below.

In everything other than name, farmworkers are employees and have guaranteed employee rights. But by designating their workers on tax forms as self-employed "sharecroppers," farmers have denied farmworkers these rights. For instance, the farmer does not pay minimum wage.

There are serious problems

for farmworkers who are classified as "sharecroppers" on social security tax forms:

- 1) Farmers must pay an extra social security tax for having employees, but they can avoid it if they designate their workers as sharecroppers. This system at first appears beneficial to the farmworker also, because he has no social security deductions from the paycheck.

In reality the Internal Revenue Service will demand the tax later. Worse, the "sharecropper" must pay a much higher S.S. tax than he would as an employee, even though his income is no different. Although his taxes are higher, the benefits remain the

same.

- 2) The IRS can sue the farmworker for not paying taxes, and then the worker must pay an additional penalty tax.

- 3) IRS is supposed to hit the "sharecropper" for S.S. taxes every spring at tax time, but it is backlogged by cases and has only recently gotten around to the farmworkers. Workers have been sued by the IRS for over \$800 in taxes they did not pay in past years.

Farmers may use the sharecropper status for further exemptions that hurt the farmworker, by classifying them as "independent contractors":

**Unemployment and Workers Compensation:** Farmers do not

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articles, and reports that have chronicled important chapters in contemporary history. Some titles included: Stephen Schlesinger and Stephen Kinzer's recent *Bitter Fruit: The Untold Story of the American Coup in Guatemala*; William Shawcross' *Sideshow: Kissinger, Nixon and the Destruction of Cambodia* and Walter Le Feber's *Panama Canal*.

**Foreign Affairs and Defense** Information gleaned from the government through the FOIA has expanded public knowledge about the 1969 Cambodia bombing, military sales to Central America, CIA assassination plots, the People's Temple Massacre in Jonestown and many other foreign affairs and defense matters. Details of army tests of atomic weapons in the 1950's and of Agent Orange during the Vietnam War have

Stern's request in 1971 for FBI counterintelligence program (COINTELPRO) documents, hundreds of journalists, academics, religious groups, political activists and other citizens learned they had been subjects of illegal government surveillance. According to CIA documents, the CIA engaged in extensive domestic spying primarily aimed at college campuses.

**Taxes** Disclosures under the FOIA have helped American taxpayers demystify many complex Internal Revenue Service (IRS) procedures. Tax analysts, unearthed thousands of IRS documents revealing the IRS had developed a "secret body of law" it did not want to share with outsiders. As a result, analysts compiled and indexed the materials, which are now routinely used by accountants and attorneys.

## Legal Teaching . . .

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stimulating, few are challenging and only some are reasonably well organized. This condition persists even in classes where the textbook material presents fascinating and stimulating accounts of the development of various important areas of law. A poor teacher can successfully take a fascinating subject and convert it into drudgery.

The fact that the solidarity of the legal profession is based more on "disaster mentality" than on common commitment to justice is further evidenced by the practice of some law firms. If one experienced the same disaster as the partners of the law firm, by attending the same school, the tendency is for one to be welcomed more warmly than an individual who experienced a similar, but not identical, disaster.

The deterioration of legal education has continued too long. Administrators should institute courses for instructors now, before the incoming freshmen in the class of 1983 are added to the list of victims. Many law students are employed (or have been employed) as teachers and would gladly lend their assistance, free of charge, in providing critiques and constructive suggestions.

The cost of a law school education is high. The quality of the educators is unnecessarily and appallingly low. Under current conditions the definition of a "lecture" provided by one law school instructor is too accurate to be humorous: a lecture is "the process by which the teacher's notes become the student's notes without passing through the mind of either."





Friends and Enemies Dept.

## Tiny Caribbean Island Feared By U.S.

by Rick Herbert

Grenada, a beautiful spice island barely one-quarter the size of Los Angeles with a population about that of Berkeley, has been proclaimed a threat to vital U.S. national security interests by the Reagan Administration. With public attention riveted to Central America, particularly El Salvador, few have noticed the Administration's vendetta against the revolutionary government of this small island nation.

U.S. hostility towards Grenada began when members of the New JEWEL Movement (Joint Endeavor for Welfare, Education and Liberation) took control of the country in 1979. Since then the U.S. has attempted to dissuade its western allies from attending a European Economic Community Co-financing Conference to raise money for Grenada's new international airport; tried to block a \$19 million loan from the International Monetary Fund; pressured the Caribbean Development Bank to exclude Grenada from funding; and conducted military maneuvers in the Caribbean under the operation name "Amber the Amberdines." (Grenada is the largest island of the Grenadines.) These examples are by no means exhaustive.

On March 13, 1979, members of the NJM took over Grenada's only radio station, stormed the island's small military garrison, and disarmed non-cooperative police. With the help of the population the NJM rounded up members of the Mongoose Gang — a secret police network in the service of former Prime Minister Eric Gairy — and declared a new People's Revolutionary Government (PRG).

The NJM took control of a country that was virtually without an infrastructure. Roadways were either in severe disrepair or nonexistent.

The country had no industry. Government administration was marked by Gairy's corruption and mismanagement. Over half the population was unemployed. To describe the condition of the island before it won independence from Great Britain in 1974 is to depict a familiar pattern of colonial underdevelopment: illiteracy; inadequate health care and housing; poor nutrition; unemployment. Five years of independence under Gairy only reinforced this pattern.

The PRG with Maurice Bishop as Prime Minister moved to wipe out illiteracy and to provide free health care for all. It began road repair and road development. It built the first agro-industrial factory utilizing what had previously been waste products from its fruit crops to make jellies, jams, and nectars. It encouraged foreign investment in cooperation with government. It recognized tourism as an important source of foreign currency and consequently sought funding for a new international airport, which had originally been planned while Grenada was still a British colony. Even before its independence Grenada had tried to find support for the airport, principally from Great Britain and the U.S., but to no avail. Cuba offered to help build the new airport and to supply medical teams for Grenada's developing health care system. The PRG eagerly accepted the offer.

This flurry of activity on the island alarmed many within the U.S. government. The new government's decision to join the Socialist International and its election to the executive membership of the Nonaligned Movement further unsettled the United States. Grenada's domestic laws reflected a philosophy of government in direct contradiction to that proclaimed in Washington. Its Land Development and

Utilization Law, for example, empowers the government to lease idle lands to farmers or cooperatives with or without the owner's consent. The National Housing Authority Act enables the Authority to repair sub-standard housing or force the owner to do it. Employers must recognize trade unions and are subject to criminal sanctions for refusing to negotiate under the Trade Union Recognition Act.

These examples demonstrate the PRG's belief that a central purpose of national government is to provide for people's welfare, a belief actively rejected by the Reagan Administration. That

Administration has chosen to attack this small island nation on several fronts; media manipulation; economic destabilization; diplomatic isolation; and military intimidation. While attention must remain focused on Central America, particularly in light of recent disclosures of White House-approved covert operations against Nicaragua, Reagan's other "interests" should not go unnoticed.

**Rick Herbert**, a member of the Central American Task Force, visited Grenada for several weeks in late December and the first part of January.

Farmers Get Around the Law

## Sharecroppers Lose Benefits . . .

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have to pay either of these. Farmworkers have had to pay for work-related injuries out of their own pockets, and they do not get paid for the time they are out of work.

**Child Labor:** With the farmworker supposedly "self-employed," farmers have justified child labor by claiming that the children are working for their parents, not for the farmers themselves.

**Record Keeping:** If the head of the family is an employee, the wages of each family member must be recorded separately. However, under the sharecropping system, the wages of the entire family are recorded under one name. Such recordkeeping by the farmer makes it almost impossible to enforce minimum wage laws.

**Income Tax:** When the wages of the farmworker's family are all put under one name, it appears that the farmworker has a higher income. The farmworker may have to pay a higher income tax.

Last May a federal judge ruled in Ohio that farmers cannot use the "sharecropper" status

to avoid minimum wage and child labor laws. The case arose when the U.S. Department of Labor sued farmers Ernest and Peter Gillmor for violating child labor laws.

The Gillmors defended on basis of a 1976 court decision (*Sachs v. U.S.*) which established that pickle pickers can be sharecroppers for social security tax purposes. They argued that this decision could mean that farmworkers are "independent contractors", exempting growers from the Fair Labor Standards Act. The FLSA protects employees and provides minimum wage, child labor and recordkeeping laws.

State agencies used the *Sachs* decision to advise farmers how to avoid the FLSA regulations. Judge Nicholas Walinski, who decided the original *Sachs* case, ruled that *Sachs* does not take away protection of pickle pickers under minimum wage, recordkeeping and child labor laws.

Pickle pickers are called "sharecroppers" because the farmer and the picker each get

## Asbestos . . .

continued from page 1

payments because of a dispute with Manville over the extent of their coverage.

As more is learned about the origins of cancer, it becomes clear that thousands of worker deaths are caused by exposure to carcinogenic chemicals in the workplace. The asbestos litigation could be only the tip of the iceberg. Moreover, the implications of Manville's Chapter 11 action could someday extend to workers who today are being exposed to chemicals the dangers of which have either not been admitted or determined.



# Amy Tobol Addresses UN Group

by Mary Ellen Berger

When then second-year student Amy Ruth Tobol enrolled last spring in Professor Virginia Leary's seminar, International Protection of Human Rights, she had no idea that she was embarking upon a road of study which would lead to the United Nations in Geneva.

From the seminar reading, Tobol learned that "lots of times women's issues are really low on the list of priorities in human rights law." She became aware of the lack of attention given to the international trade in forced prostitution. Amy, therefore, started writing a paper on sex tourism, forced prostitution, and concepts of women's human rights for her seminar, and when offered a grant to spend the summer at the International Institute of Human Rights in Strasbourg, France, she jumped at the opportunity.

The privately run Institute, located in the Alsace region between France and Germany, hosted 262 people from 66 different countries (including about 20 Americans) during the month of July for a four-week curriculum comprised of lectures, study sessions, and an intensive seminar on the methodology of teaching human rights at the university level. Amy found that her fluency in French was a great asset, since only about one-half of the lectures offered were in English.

The series of lectures and study groups which comprised the "study session" segment of the Institute's program afforded an "incredible opportunity to hear people from all over the world speak from their professional experience and personal observations" in the area of international human rights. In addition, the intensive training was in English.

ing instruction received through the International Center for University Human Rights Teaching particularly attracted Tobol, since she has teaching experience in U/B's Women's Studies Program and at Tolstoy College.

At Strasbourg Amy became increasingly aware that women's human rights issues are not relegated to a most important status by international organizations who address human rights. "Although 1975-85 has been officially delegated as the Decade of Women by the UN Commission on the Status of Women," Amy declares, "there are very few women in the upper echelons of UN bodies. There must be a concerted push to involve women in national and international decision-making bodies."

While at the Institute, Amy had been corresponding with a University of Minnesota Law School professor who encouraged her to travel to Geneva and sit in on the Working Group on Slavery, an information-gathering body within the UN's Division of Human Rights. So, after finishing at Strasbourg's Institute and then taking a short trip to Germany, Amy went to Geneva, where she stayed with an American alumna of U/B Law who presently works on the International Commission of Jurists, a non-governmental organization.

After sitting in on the Working Group and conferring with her Minnesota Law mentor, who made available some research material compiled by a Minnesota student, Amy prepared and presented to the UN Group a statement on sex tourism and forced prostitution in the Far East and Europe. The next day two countries cited in her paper as violators,

West Germany and the Netherlands, responded.

In her statement, Tobol presented data on the "slave-like practice" of purchasing women for or luring women into work as part of package tours available to travellers. According to Tobol, Asian women, lured by promises of money and/or marriage, are purchased and shipped to West Germany, where they are kept in brothels under a system of debt bondage, requiring payment of part of the money they receive for services to the brothel. This practice keeps the women in states of perpetual debt and encourages countries to funnel into sex tourism great sums of money which might be better spent in developing indigenous economies.

The day after her presentation, Amy had the "exciting opportunity of meeting formally" with a member of the Permanent Mission of the Netherlands who had heard Amy's paper and wished to respond to allegations contained in it. Since August, Amy has contacted all other countries mentioned in her statement — either as "source countries" where tours originate from, or as "receiving countries" where women are shipped to — who did not participate in the UN Working Group and wish to respond.

Amy plans to incorporate all rebuttals into a final report, which will include new research on sex tourism and forced prostitution that she has unearthed since summer. She hopes to eventually publish the report in its entirety. A bigger plan, however, is to return to Geneva whether she must "beg, borrow or steal to get there," and to become more involved in the UN's work in international women's human rights issues.



Amy Ruth Tobol

Gary Gaines

## Admissions Releases First Year Composite

by Wendy Cohen

This year's entering class is somewhat smaller than last year's, with 257 students compared to 272 in 1981. The pool of applications, while up to 1723 this year from 1685 last year, is down from 1974's high of 2711. Median LSAT scores are also up. This year's first year class has a median LSAT of 656, compared to 636 for last year's.

146 of the 257 students in the class entering in 1981. Median grade point averages have held steady, remaining at 3.40. 99 come from other parts of the state and 12 from out-of-state. The regional distribution did in 1981. 92 first year students this year are women, while 116 of last year's entering class were female. The number of minority students also decreased slightly, from 26 last year to 23 this year.

The statistics also show that a large percentage of first year students received their H and D grades received by the undergraduate degrees from graduating class of 1982. The UB or other schools in the statistics show that the median SUNY system: of 122 students number of H grades received from the SUNY system, 41 by members of the class of students are from UB, 31 from 1982 was 7, and the number of Binghamton, and 21 from H grades per student ranged Albany. The rest of the first from 0 to 23. On the other year class is drawn from 137 hand, the median number of D diverse institutions, including and F grades received per student the University of Miami, Notre Dame was 1.4. 103 students received no D or F grades at city of Chicago, and Berkeley all, while 62 received only one.

## Fems, Maniacs & The Continental

by Jud Weiksner

Just because a band comes from New York City and receives a lot of hype doesn't mean it's any better than the local bands here in Buffalo. A case in point is the Bush Tetras, who played The Continental September 21st. The Bush Tetras went through the motions of a fast paced yet uninspired 45-minute set (no encore). When I realized that I was standing with my hands in my pockets while listening to one of New York's biggest funk/dance bands, I figured they must also be one of New York's most overrated bands. The people yawning in the audience would probably agree with me. Some people appeared enthused, but they could have just been trying to justify their paying \$5 to get in.

Opening for the Bush Tetras was a Buffalo band, The Fems. For my money, The Fems were much more enjoyable. Their style is more original, their lead singer is more charismatic, and they actually

got people dancing despite a warning from their lead singer that there would be "no head bobbing allowed." If you'd like to see an original, talented group and you're not easily offended, go see The Fems. If the Bush Tetras were from Buffalo and The Fems were from New York, The Fems would have the recording contract.

Speaking of local bands, if you like danceable music with a ska/reggae beat, check out 10,000 Maniacs. They're from Jamestown, but their music sounds more like Jamaica than Jamestown. At Sundance '82 in front of Norton Hall they actually got U.B. students to dance — and that's saying something. They've got a good 5-song album out, Human Conflict Number Five, that's available at local record stores.

Another record available locally is the BCMK (Buffalo College of Musical Knowledge) Showcase Album. It features songs from a dozen local artists, including exceptionally good tracks by The Elements

and The Pointless Brothers. If you haven't seen either of those two bands, they're definitely worth the cover charge if you're into danceable progressive rock or bluegrass respectively.

### Answers

1. Al Benton (Babe Ruth, 1934; Mickey Mantle, 1952)
2. New York Rangers
3. Los Angeles Lakers, 69 wins, 1972
4. 1963, N.Y. Giants
5. \$5 per week laundry money, \$50 per exhibition game, and a new pair of shoes.
6. A.L. East: Baltimore; A.L. West: Minnesota; N.L. East: those Amazing Mets; N.L. West: Atlanta (Baltimore beat Minnesota 3-0; N.Y. beat Atlanta 3-0 and the rest is history).

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J.D.



## SBA Offers Chance to Join Committees

continued from page 3

Law Library faculty member. The three faculty members are elected by the faculty at large.

### Faculty-Student Relations Board (FSRB)

The Committee acts on student disciplinary matters, student grievances against faculty members or other students, and faculty grievances against students. It is also charged with establishing the method of student evaluation of teaching. It is composed of three faculty members and three students. The Committee elects its own Chair. Dean Garcia serves as ex officio advisor to the Committee.

The workload depends on the number of cases filed, with respect to which the Committee conducts hearings and/or engages in other forms of investigation. Its proceedings respect the confidentiality of the parties.

### Library Committee

This Committee advises the Director of the Law Library on library matters of importance to students and faculty. It meets infrequently and serves mainly as a channel of communication between the users of the Library and the Library staff. It is composed of four faculty members, one of whom serves as Chair, and four students.

### Mitchell Lecture Committee

This Committee arranges the annual Mitchell Lecture and also dispenses funds for Mitchell Fellows, that is, distinguished visitors who lecture and meet informally with faculty and students.

The Committee is composed of three faculty members, one of whom serves as Chair, one Law Library faculty member and three students. It meets when it has proposals to consider or Mitchell Lecture plans to arrange.

### Special Program Committee

This Committee oversees the Special Program including advising the Admissions Committee on individual credentials for admission, arranging the structure of the first-year Legal Methods program, and providing counsel and wisdom to

the ASSC on students from the Special Program who may be in academic difficulty. In general, the Committee has a charter to improve the quality of the Law School's affirmative efforts to expand the number of minority and disadvantaged law graduates.

The Committee has four faculty members, one of whom serves as Chair, and three students. Dean Garcia serves ex officio. It meets as problems or issues arise and works intensely in the spring on admissions.

### Finance Committee — Treasurer is chairperson

Prepare a budget for the coming fiscal year (September 1, 1983 to August 31, 1984) and submit it to the Board no later than twelve class days before the end of the semester, submit supplemental budgets each month, review the use of appropriated funds.

### Promotion and Tenure

The Faculty Promotion and Tenure Committee has only tenured faculty on it, no students. In order to try and expand the voice of the students in this area, this committee was established. Its main function is to determine what actions are before the Faculty Committee and then recommend to the SBA any steps which can be taken to inform the Faculty of the students' views on that action.

### Distinguished Visitor's Forum

Disburses the SBA funds for speakers. Part of the funds for this committee are set aside for recognized organizations to use for their individual programs, with the rest of the funds available to bring in two or more speakers for the entire student body.

### Rules Committee

Consider all amendments to the Constitution and Bylaws of the SBA and submit its recommendations on same to the Board for action, and review activities and make recommendations to the Board on the following duties of the Board: Supervision and coordination of all activities of duly approved and recognized

student organizations, recognizing such organizations, affiliating with other law-oriented organizations, and summoning a student organization for violation of this Constitution or of any rules promulgated in pursuance thereof.

### External Affairs — Vice President is Chairperson

Shall take appropriate steps to represent the SBA in a continuing relationship with interests outside the Law School, including the New York State legislature, legal groups and associations, the judiciary and whatever other bodies or individuals as may be deemed appropriate.

### Book Review

## Making It Through Law School

**How to Make it Through Law School: a guide for minority and disadvantaged law students** by J.P. Davis (Conch Magazine, Ltd., Publishers, New York, 1982)

### A Critique by Michelle Wong

To the neophyte, the study of law is veiled in a quasi-mystical aura pierceable only by a select few. Incomprehensible legal jargon, procedural formality and labyrinthine legal reasoning contribute to the layperson's perception of the law as such.

For the first-year law student confronted with the formidable task of mastering the "ins and outs" of studying the law, this can be a harrowing experience. For the minority student who may come from a "social, economic or cultural disadvantaged background" the assimilation process can be doubly difficult. To aid in the acclimation process, a U.B. Law graduate, J.P. Davis, has authored a handbook entitled: *How to Make it Through Law School: a guide for minority and disadvantaged students*.

The author, who addressed a gathering of students last Wednesday, states that the handbook, "written by a minority student who made it through law school... is designed to tell and show others." And indeed it does. This is a comprehensive compendium encompassing both the academic and social aspects of dealing with and in law school environment.

A reader is provided with a substantive and procedural road map, guiding the uninitiated and the floundering through the hidden pitfalls

of law school. Chapter One concentrates on "First-Year Trauma", which basically is a general feeling of ego decimation coupled with high anxiety. This occurs when one is confronted by the Socratic Method, intimidating law professors, the case study, and law school "examination". Davis tells how to combat and conquer all of the above.

Racism in the law school environment is touched upon. Davis states that "racism permeates American society and its institutions, therefore it would be silly to expect not to find any racism or its manifestations in law school." Mainstreaming into the majoritarian environment is advocated by the author. This, he says, helps to prevent isolation within each ethnic sub-group and also fosters open lines of communication between minority and majority students.

The frame of reference which the author writes from is the U.B. Law School. His work is peppered with acknowledgements of help and support to several professors at U.B. including Professor Emeritus Jacob Hyman, who currently oversees the Legal Methods Program. As a component of the Special Admissions Program, U.B.'s Legal Methods course is composed of predominantly minority students. When recently questioned about the effectiveness of "How to Succeed in Law School" manuals, which are aimed at minority students who may be disadvantaged academically, culturally or socially upon entering the law school, Professor Hyman responded that these books are "generally effective in

### Athletic and Social Committee

Shall perform whatever duties are assigned to it by the Board relative to athletic and social activities within and without the Law School concerning SBA members.

### Placement

This committee acts as the liaison between the SBA and the Placement Office.

helping those students narrow the gap, but are not a ticket to an 'H.' He stated that "they are generally insightful, but should be chosen with care and discretion based on the differing views and perception each author presents."

As a second year law student who has successfully negotiated the travails of the first year, and as a minority student, this reviewer found that the manual is on point in several ways. First, it serves as a tool for law students to use in order to cope with the rigors of academia. How? By drawing on the resources of someone who has "made it" and recycling valuable first hand insights and knowledge.

Second, the manual can be viewed from the perspective of a mentor-protege relationship. Presently, U.B. has only one black law professor. Consequently, many minority students feel that a vacuum exists; there is a dearth of role-models. Certainly, inanimate manuals cannot supplant a living teacher-student relationship. However, if resources are available, they should be utilized as second best avenues to success.

Finally, although the author writes with the minority student in mind, this "how-to manual" can be of invaluable help to all students entering law school or presently enrolled. Heavy emphasis is placed on law school examination, which, as we all know, is the bottom line for grading purposes. Whether you are a neophyte first-year law student, or a jaded second-year student, a perusal of Davis' "How to..." manual may prove to be of invaluable assistance.

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# Fans Are The Real Losers In NFL Strike

by Glenn Frank

When contract negotiations between NFL team owners and the NFLPA broke down last month, the players devised an interesting motto: "The players are the game." The owners, as could be expected, declared that such a notion was ridiculous. They argued, and indeed continue to stand by the position, that without their investment capital there would be no such entity as professional football, and that they in fact are "the game."

Both sides, of course, are wrong. It is the fans who are the game; the people who pay ten and twelve dollars to sit in cold stadiums and the people who sit entranced by their television sets each Sunday afternoon and every Monday night. And it is these same fans — these people who are "the

means for "selling". Over the course of the next 15 years, commercialism began to invade every aspect of the sport, from college to the pros. Colleges began contending against one another not because they were traditional rivals but in hopes of getting on national T.V. and earning \$100,000 for a game.

This atmosphere of big business then, began to invade the attitude of the players. They began to show up at the owners' doors with lawyers and agents and distorted reasons about why they were playing the game. Since the professional game had become a sensation on national television and had begun to compete on the set not just with other sports but with movies, sitcoms, and other prime time fare, it was logical for the players to assess their worth

game" — who while at once angry over this almost inexplicable interruption in their favorite pastime, should also now be fearful of the future of the game.

The game of football, as any team sport, is held together, on the one hand, by the athletics involved, and on the other hand, and perhaps most importantly, by loyalty. Loyalty, however, as it so clearly was in basketball, is being wrenched from the game. It has been replaced, of course, by money — big money — and both the players and the owners are equally to blame.

The transformation of the sport into big-time corporate business is easy to follow. When the old AFL became a viable business organization, the corporate business world began to see football not so much as a sport, but as a

not in comparison to past athletic salaries, but with salaries paid to other entertainers. Very quickly the commercial norms had reached the players themselves and the norms were always for bigger and bigger money. The result, of course, was that the players were no longer completely interested in the teams they were playing for, or in their fans. Rather, they were consumed by the money they could make.

For the owners as well the game, during the sixties, seemed suddenly strange. Team payrolls which had averaged approximately \$400,000 in 1960, had exploded in the late '60s and throughout the seventies. By 1980 the average team salary total was nearly 4.5 million dollars — the equivalent of running a factory of 320 employees each of whom make \$300 per week.

Still, because of the new commerce which had come to professional football, the owners were able to pay their players and continue to turn a profit. In fact, the machinery of this new commercialism seemed to work so well that the owners were overcome with an unbecoming attack of greed. Suddenly football, rather than a sport was a convenience; it was an entertainment medium like any other, though peculiarly suited to pushing cars, shaving cream, and beer at outlandishly extravagant prices.

And because there was so much money to be made, the

interest in acquiring a piece of football skyrocketed. Due to the increased money making value of a team, the cost of each franchise exploded. Tampa Bay, for example, was charged 18 million dollars to come into the league in 1974, whereas Art Rooney bought the Pittsburgh Steelers for \$300,000 two decades earlier.

Unfortunately, since the price was so high, only investors with huge capital surpluses could afford a franchise and the result was, of course, that, to the owners, the bottom line became more important than the product.

Until this year, fortunately, the disease which has infected football had remained somewhat dormant. Perhaps the athleticism and the spirit of the game itself somehow kept the big-money curse far from the field at game time. Suddenly, however, the greed which has been eating away at the underpinnings of the game for the past 15 years has now become public.

A game kept substantially pure to this point in time due to a perhaps false public perception of team loyalty by players and owners alike, can now, as a sport, look forward to the same mistrust from fans that the players and owners have for each other. There is simply no longer any reason for the fans to think that either the players or the owners are doing what they're doing out of love for football. The game has truly become simply a vehicle for ever-expanding markets.

## Law School Team Victorious

by Glenn Frank

Once again this year the law school is being ably represented on the intramural football front by NICE PEOPLE WHO CARE. While the team has undergone several personnel changes, the core of last season's league semi-finalists remains intact.

John Iacovelli, last year's coach and starting wide receiver, is back and caught three passes in this year's opening 12-6 victory. The hero of the game for NPWC, however, was Joe Ehrlich who stepped in front of a sideline pass in his own end zone and returned the interception 60

yards for a touchdown. Lou Algios, the 1982 coach, said "he saved us. Our offense was lousy."

Other players back from last year's 8-1 team also contributed to the win. Dave Adelman, the team's leading receiver had four catches, and Mike McGorry, Danny Welch, Mark Tuffalo, and Matt Skotek shored up the defense allowing their opponents within the twenty yard line only twice.

The team's next game will be played on Sunday, October 9th. Algios said, "We've played the toughest team in our division already, so we should win our league. We have to in-

crease our offense before the playoffs start though. We may be trying several different guys there in the next few weeks."

McGorry said, "I don't think there is another team from the law school playing this season. We'd better win the league — it may be the last anybody ever hears from O'Brian Hall." He concluded by echoing the consensus of the team: "A little support from law students probably wouldn't hurt us — some law school enthusiasm would be refreshing."

Barring a strike, we can look forward to NPWC bringing the law school home a championship trophy.

## OPINION

## SPORTS

### No Comment Dept.

A sporting goods company in California (no names, but the company is now on trial in San Francisco for falsely advertising a diet aid) has begun to market a new device designed to automatically slim the waist, increase the bust, and remove celluloid from the thighs, all in just 10 days.

The device is made up primarily of several pieces of pliable rubber which are wrapped around the appropriate areas and held in place by small velcro straps. These pieces are, in turn, each attached to another, longer, rubber section which is then attached to one's vacuum cleaner.

It is unknown, however, whether this machine is designed to remove flab by having it inhaled into the machine, or

whether the vibrations of the vacuum cleaner are a supposed substitute for exercise.

### Sports Quiz

1. Name the only pitcher to pitch to both Babe Ruth and Mickey Mantle.
2. Which professional sports franchise has gone the longest without winning either a division or league championship?
3. Which NBA team holds the league record for most victories in a season?
4. In what year did the Chicago Bears last win the NFL Championship and who were their opponents?
5. When the first NFL players union was formed, what were its original original demands?
6. Which were the first four teams to win baseball division titles after the National and American Leagues each split into two divisions?

answers on page 9

## RES IPSA LOQUITUR

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